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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHAKOUR, ISSAM

ART UNIT

PAPER NUMBER

4163

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,587

Applicant(s)

PITKAMAKI ET AL.

Examiner

ISSAM CHAKOUR

Art Unit

4163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)
Paper No(s)/Mail Date 12/27/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract of the disclosure is objected to because it contains legal phraseology. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 3 is objected to because it recites the limitation "the packet system information" in line 4. There is insufficient antecedent basis for this limitation in claim 2 or claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 5, 8, 10, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ko et al (US 2003/0100299).

5. As to claim 1, Ko teaches a method for transmitting trace data to a network tester comprising:
tracing the data transmission between a mobile terminal and a network transmitting the trace data ([0019] and claim 1) by using a standardized interface specification [0064], and controlling, via specific AT commands [0033], the setting of the trace parameters and the communicating of the trace data (See also [0018], claims 1,19,32 and 33).

Regarding claim 4, the AT commands taught by Ko may be considered to comprise both "specific" and "normal" AT commands.

Regarding claim 5, Ko further teaches modifying the trace data to be sent to the network tester (e.g. see [0058] and [0059]). Note that the trace data includes data "substantial" from the point of view of tracing.

6. With respect to claims 8 and 10, Ko et al also teaches a trace system and terminal, comprising:

a network tester and a mobile terminal arranged for collecting trace data and communicating the trace data to the network tester (see [0019] and claim 1) wherein the trace data applies only to the data transmission between the mobile terminal and a network wherein the trace system further comprises a standardized interface [0064] arranged to communicate the trace data, and control means (see fig. 5 item 508) for setting the parameters of tracing and for communicating the trace data (See claims 1, 19, 32 and 33). Ko further teaches that the communication between the mobile terminal or station and the network tester or a computer is done and controlled via AT commands [0033].

7. With respect to claim 12, Ko teaches the terminal according to claim 10 for transmitting traffic data to a network tester wherein the terminal further comprises:

means for connecting an external network tester to the terminal [0099], in which the external network tester is intended for

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receiving the trace data, for providing said specific AT commands.

8. Regarding Claim 13, Ko furthermore teaches a network tester arranged for data transmission between a mobile terminal and a network as discussed above (see also claim 16).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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10. Claims 2, 3, 9, 11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al in view of Lazaridis (US 5,970,090).
11. Regarding claims 2, 3, 9 and 11, Ko teaches the system and method as discussed above, but does not teach buffering and delaying of the trace data.
12. However, Lazaridis teaches buffering and delaying of data between the mobile terminal and the network tester (computer) in a mobile network environment (e.g. see abstract, claim 9 and figures 1 and 2 of Lazaridis).
13. It would have been obvious to one of ordinary skill in the art at the time of invention to buffer and delay the trace data in Ko's system because Lazaridis teaches that this prevents data loss or failure of data transmission in a DTE/DCE interface (see col. 2 lines 40-57).

Regarding claim 14, the AT commands taught by Ko in view of Lazaridis may be considered to comprise both "specific" and "normal" AT commands. Ko in view of Lazaridis do not teach allowing only one command set at a time.

14. However, it is well known in the art that the control of the mobile or modem is done by communicating one command at a time to control the operation of the modem or in this case the

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mobile. It would have been obvious to one of ordinary skill in the art at the time of invention to allow only one command at a time as the serial communication in DTE/DCE interfaces allows only one command at a time to be transferred.

15. Regarding claim 15, Ko further teaches modifying the trace data to be sent to the network tester (e.g. see [0058] and [0059]). Note that the trace data includes data "substantial" from the point of view of tracing.

16. Regarding claim 16, Ko in view of Lazaridis further teaches a means for connecting an external network tester to the terminal (see fig. 5).

17. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al in view of Tehro (US 5884103).

Regarding Claim 6, Ko teaches the method as discussed above, but does not specifically teach using the interface for other data transmission.

18. However, Tehro teaches a transmission interface bus intended for communicating normal and specific user data (See abstract and claim 1).

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine transmitting and communicating testing data and normal user data between the

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terminal or mobile unit and the network tester such as network testing software in a computer, because in order to communicate the trace data between the mobile and the computer, a connection needs to be established, which requires the interchange of other data such as hardware driver data, and other specific user information.

20. Regarding claim 7, Ko in view of Tehro further teaches using the bus for data transmission between the tester and the network, from which the trace data is collected simultaneously (note that Ko's data is collected in real time).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISSAM CHAKOUR whose telephone number is (571)270-5889. The examiner can normally be reached on Monday-Thursday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on 5712722319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IC

/Mark A. Robinson/

Supervisory Patent Examiner, Art Unit 4163